

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, APRIL 2, 2008 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
John Feener
Brandon Frontiero

MEMBERS ABSENT

Charles Anderson
Ann Jo Jackson, Vice
Chair

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

Arthur Socolow
William Febiger (7:20 PM)

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission.

Continuations for short reviews, 1-5 minutes maximum, review of amended, updated or final information, status reviews, minor amendments, signing decisions, closure of hearings, etc. – applicant discussion is not permitted in this session:

49 NORWOOD HEIGHTS

This is a request for Determination submitted by Irving Rogers III to remove a portion of the dwelling and construct an addition with basement and a deck in a coastal bank. (Map 181, lot 4).

This matter was approved with conditions and is on the agenda this evening for signatures by the GCC. The Agent states that the decision is prepared. The members of the GCC sign the decision.

3 WELCH LANE

This is a Notice of Intent submitted by Roger LeBlanc, to construct a residential duplex with associated utilities and install water and sewer services in street in buffer to BVW. (Map 237, lot 114).

The Agent reviews with the Commission and states that revised information was submitted to address the commission's questions from the last hearing.

Mike Hale reviewed the walls and has no issue with the wall design, but can not give a complete written response before tonight's meeting. It is the GCC's discretion as to whether or not to require the written review pre or post issuance of a decision.

Engineering comments are recommended at least prior to any start of work on site.

The Agent reviews the issues identified and discussed at the last hearing which include the following;

A question was raised as to whether the sewer is sized right for all future vs. current proposed development.

Bill states that he spoke w/ Mike Hale and agreed to decide that in the field at installation and to specify at that time. Bill states that the M Procedure is the same either way.

Ms. Ryder notes that construction details still not submitted.

Mr. Gulla notes the word in the road and that it relates to previous utility road work

Bill states that this is not the same project, this is a separate line.

Mr. Gulla states that if the GCC move forward tonight, they must submit a narrative and construction details as an amendment to the plan prior to start of work.

Mr. Frontiero noted the utilities in drive and it does not disturb the culvert.

Mr. Socolow asked if the work in the road requires any closing of road and for how long.

Bill states that it does not require closing and there are stubs left at prop line.

Cumulative review issues were addressed by the Agent:

The revised plan indicated 52 feet to wetland, but closest point by scale is 36 feet from work to wetland at driveway entrance. The 36 feet issue was addressed by the current revised plan.

Note on the plan states that the final design of the retaining walls by unknown engineer per BI code. The Agent notes that the final design must be approved as an amendment with the GCC.

She further states on the plan that it is noted a 2- 4' high wall called for on top of any 4' high wall. She states that the final material must be reviewed by agent prior to start of work using no toxic materials and no metals.

Further noted on the plan sewer and water services are to be built according to DPW requirements. The Agent states that the final design must be approved as an amendment with the GCC and engineering.

It was asked if the specs would be coming back as an amendment and the Agent states, Yes, it is required to be reviewed by the Agent, GCC or Engineering, see notes near each comment with a note to be added to the plan.

Depth of groundwater vs. depth of cut? Dewatering controls? Add a dewatering control to agent/GCC prior to start of work.

Noted: a question of road changes to accommodate construction? Several expansions appear to have been conducted. Details regarding the road changes and construction are not yet submitted in sufficient detail (not legally a road, this is a driveway still). This is addressed on the top note.

Re: Construction sequence and details - inadequate for the slope this project is proposed on. Pages 2-5 of the narrative contained w/ in the Nol relates to the original location and describe the proposal more than the process during construction, and may be easily modified for the current but do not appear to have been yet. This has not been submitted as of yet and must be provided prior to pre-start of work construction meeting. The issue of an increase in the undisturbed buffer zone was noted which the applicant addressed in a modified plan.

Mr. Gulla asked the GCC to vote specifically on this issue and asked if the GCC believes this is sufficient minimization.

Bill noted that the house is 80 feet, pushing further places it into steeper slopes. No concerns by any commissioners, accepted.

Additional explanation and description of the drive surface was discussed and the extent of pavement. This is a steep hill, above a highly dynamic wetland/intermittent stream prone to significant flood levels. Discussed:

Mr. Febiger noted runoff in the driveway into the infiltration area on the downside of wall.

Mr. William Manuell outlined and discussed this with the GCC.

Mr. Febiger inquired as to how we know that capacity is adequate.

Mr. Manuell states that he feels it is adequate.

The Agent asked if that detail and calculations gone to engineering yet?

Mr. Manuell states that Mike Hale has not asked for calculations.

The Agent recommends that a condition be added requiring calculations which are to be submitted to engineering for approval prior to pre-start.

Noted was the clarification on the plan that all area on low side is expected to be undisturbed. The Agent notes that the U between two drives is to be grassed and all the area below no-disturb along with signage and demarcation must be made.

The Agent states that a mitigation attempt was requested to offset the large swath along wetland slope being removed and there is a concern re: erosion along wetland. Significant alteration to habitat, canopy, and imperviousness on a steep slope is proposed. She inquired as to mitigation and a landscape plan re: plan to replace those cut.

The GCC reviewed these issues and Mr. Manuell reiterated no room.

Re: the no disturb zone – Mr. Feener and Mr. Gulla noted originally more disturbance which has now been pulled back. Mr. Feener states that shifting the driveway up alleviated a tremendous amount of canopy loss.

Bill Manuell states that the infiltration trench is mitigating for pavement and the roof runoff is mitigated into trench as well. He asks if the use of storm water structures required regardless acceptable mitigation for new construction in the GCC opinion?

The Agent states that Engineering must review calculations.

Mr. Gulla states that storm water management is not mitigation and asked if there was enough mitigation outside of that (ie. three trees) to offset it.

The GCC did not voice concern and acknowledged that the project had been modified and pulled back.

The Agent notes that if the wall is the first thing to go in, everything else is up gradient from there and a sequence plan is required. Boulder voids provide habitat and work with nature. These should be included in the final plan. This is to be included in the final construction and sequence plan which is to be submitted prior to start of work.

Noted was a boilerplate condition re: permanent demarcation of no-disturb zone.

The Agent notes that this is OK in OoC.

Mr. Manuell states not proposing no disturb in perpetuity.

Mr. Febiger and Mr. Gulla note re: no disturb in perpetuity and if the applicant does not like it they can appeal to DEP and Superior Court.

Mr. Socolow states that it should be marked on plan.

Mr. Manuell called it a conservation buffer zone with Mr. Gulla stating it is standard mitigation and requirement for off set of disturbance.

Ms. Ryder notes the slope and the nature of resource.

The Agent states that the GCC has discretion to say maximum disturbance of slope, reasonable use has been obtained.

The Agent notes that all engineering concerns to be addressed – see letter submitted to GCC after last meeting but read into the record. All conditions of engineering become conditions of the order.

The Agent notes that the design type changes potential excavation and potential impacts and the wall detail and fence design must be detailed
It was noted that the construction details are to be submitted prior to pre-start.
There is to be an Engineering Inspection on all mile stones
Mr. Frontiero reviewed what eng milestones, may be necessary?
Mr. Frontiero has requested that the milestones need to be restated.
Base of footing sub grade for dwelling sub grade for retaining walls, anything over 4 feet, crossing utility in culvert area prior to closure, any retaining wall over 4 feet height reviewed and signed off by engineering dept. Wall base material below walls checked. Mike will know typical stuff. Engineering issues, not so much con com.
The GCC accepted that the alternative showing the home rotated to face the existing drive was likely no less disturbing than the plan proposed.

Current revisions include the following;

The Agents reviews and notes the current revisions.
A shift in the drive location, the closest point of disturbance on the plan is noted as 52 feet, the memo states over 60 feet. This was addressed earlier.
The three contractor notes in question have not been removed from the plan or addressed as far as I can tell. This was addressed earlier.
The Agent states that the memo narrative notes that no improvements are proposed to Welch Lane but that this is a bit misleading as the plan notes that Welch Lane is to be "restored to pre-construction grades and conditions". Restoring to pre construction is not no disturbance. This potential disturbance due to work on the driveway crossing a stream and wetland has been addressed earlier
Precast block wall is added to the plan but does not address the GCC concerns with habitat continuity and minimizing such disturbance with an engineering review noted.
The memo narrative proposes the addition of three trees to offset canopy loss and mitigate for disturbance in the buffer on the slope to the wetland/stream.
The Agent notes a permanent no disturb zone and trees as mitigation for addition of impervious on bank
The memo narrative notes that over two thirds of the home is outside the jurisdictional buffer, this again is misleading as over two thirds of the project and impervious proposed is within the buffer when you include the significant driveway disturbance as this is true but is more than 50 ft.
The Agent further notes that she does not see the remainder of the issues addressed but may have missed them on the plan submitted.
The Agent states that should the GCC be ready a blank draft decision is prepared. If a decision is made, it is requested that the GCC take the time to be specific and clear on the reason for the decision and with the detail and content of any additional conditions specified. A draft paper copy is available as well as an electronic version

Mr. William Manuell, Wetland Scientist comments re: the GCC review and states that he was surprised as he did not recall that many outstanding issues.
He reviewed the changes to drive as it was pulled back further from the wetland as it is now a 52 foot separation to the closest point of disturbance and increases in areas.
He notes the low block retaining wall and design criteria.
He further points out 3 notes on plan that are still there and not modified.

A note on the plan states - no improvements intended on Welch Lane, installing utilities then restoring to current layout. This was discussed w/ Mike Hale noting the actual size stated that he was OK working out size of utilities at time of installation.

They threw in a couple of trees in the back as mitigation. Site design leaves minimal open space around house and there is no place else to put the trees.

He noted a tracking pad at entrance to drive.

Ms. Ryder states that a tracking pad is needed at the entrance to Welch Lane.

Mr. Socolow inquired as Welch Lane being paved and was no. He further inquired as to the utilities going into the drive and was told yes.

Mr. Gulla noted the list of issues going through them one at a time, responses by comment to GCC, see notes above. He entertains a motion to approve with above conditions, no disturb zone in perpetuity with signage, engineering review on all, and all other comments and conditions.

MOTION: Mr. Feibger moves to approve with conditions and above further comments.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

19 WINGAERSHEEK ROAD

This is a Notice of Intent to address a violation submitted by Michael Dailey to maintain fence constructed in barrier beach, (Map 257, lot 179).

The Agent reviews with the GCC and notes that the required information from Rich Williams, representative for the applicant, from the last hearing was a letter from DEP – Rachel Freed, confirming his reported conversation with her regarding the fence.

Nothing has been submitted to date.

The Linpack added to the driveway is still an outstanding issue.

Blank draft decision is available should the GCC need it.

Mr. Rich Williams spoke w/ Rachel Freed, won't put it in writing, but can relay information verbally to the GCC.

Mr. Feener and Mr. Gulla both stated that they need to get something in writing with mesh and limited clearance off dune as the consistent ruling by GCC is contrary to what you are saying and proposing so something needs to be in writing.

Mr. Williams states that he cannot force Rachel Freed to write a letter.

Mr. Gulla suggests Mr. Williams send an email to Rachel summarizing discussion and ask for the information.

Mr. Williams states he irritation re: this issue. He discussed fence criteria w/ Mr. Gulla.

Mr. Gulla notes existing standards with Mr. Williams defending the openings in fence noting that the mesh and fence at 63 %.

Mr. Gulla states that no mesh comes from DEP review and file number issuance.

Mr. Gulla and Mr. Feener both stated that it needs to be writing or they need to change it.

This matter was continued to 4/16/08 7:05 PM with no discussion needed if letter is produced and ok. If there is no letter to address two possibilities are the plan being changed or denied by the GCC.

70 HOLLY STREET

This is a Request for clarification of decision and amendment for tree cutting by Wenniger's relating to an existing Order of Conditions. (Map 123, lot 70).

The Agent reviews with the GCC and states that the outstanding issue to address in order to close this was a replacement mitigation plan for the 7 trees that have been damaged alongside the construction zone.

The Agent asks the GCC if they want this submittal to be made prior to issuing any amended decision or is this condition to be a post decision condition.

She states that normally the work could not begin until the submittal was made, however the work has already commenced for this project.

This matter was tabled to the end of the meeting.

Mitigation must be in w/in 30 days or EO to be issued along with fines.

The Agent further noted that if the wrong trees are cut then this is a much bigger issue with all work being stopped on site until the violations are resolved.

We can await feedback from Mr. Feener on this issue.

A notice should be sent to the owner/builder putting it on hold and continue the decision until the mitigation plan is in.

Work cannot commence until all final plans are submitted including mitigation requirements.

Mr. Gulla entertains a motion to send the violation letter to get mitigation plan in place.

MOTION: Mr. Febiger moves send the violation letter to get mitigation plan in place.

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor.

4 HIGH ROCK TERRACE

This is a Notice of Intent submitted by Donna Sexton, to maintain excavation and boardwalk and to install chain link fence through coastal dune. (Map 180, lot 42).

The Agent reviews with the GCC and states that this was approved at the last meeting with the following conditions; over time if sections will need replacement. Additional detail relating to any maintenance issues is required to be submitted prior to the installation of the redesigned walkway. A courtesy call to GCC office saying need to work on it is required. Major repairs require rebuilding to 2 feet above surface of dune, can not dig sand out.

The decision is prepared based on these conditions.

This matter was tabled to the end of the meeting.

Further noted: signed and finished with:

MOTION: Mr. Febiger

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor

PUBLIC COMMENT - none/closed.

Plum Cove Beach, Niles Beach, Cressy's Beach

This is a Notice of Intent amendment submitted by the City of Gloucester to extend the current Beach Management Plan to include Plum Cove Beach, Niles Beach and Cressy's Beach.

The Agent reviews with the GCC and states that the amended plan has

not yet been submitted showing correction to Beach Management Plan from Barrier Beach Management Plan.

Ms. Ryder states that she does not see any other issues from GCC or DEP that have not been addressed but requests input from the GCC.

If the GCC would like to move this off the agenda, one option would be to list all the noted changes in the decision as conditions and require a revised plan reflecting those conditions be submitted for the record.

Mr. Gulla entertains a motion to table all three above issues to the end of the meeting

MOTION: Mr. Socolow moves to table.

SECOND: Mr. Febiger VOTE: 5-0 all in favor

MOTION: Mr. Feener moves to approve as amended.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

101 WINGAERSHEEK ROAD

This is a Request for Determination submitted by Mari Shiel to excavate for an underground utility trench in a barrier beach/coastal resource area. (Map 261, lot 27). The Agent reviews with the GCC and states that this was an expected filing to connect the site utilities to the line across the street. Issues being reviewed are minimizing damage to the coastal dune and restoring stable dune conditions.

Resource area includes bvww, coastal dune, and buffer to ivww, among other resource area buffers. Location is also barrier beach, but the roadway is pre-existing.

James Theophanis – present.

Ms. Ryder notes that timing, conditions, dry, frozen or other wise stable to be confirmed at pre-start. She further notes that this is a one day project.

PUBLIC COMMENT: none/closed

Mr. Gulla entertains a motion to approve w/noted conditions that can be conducted when conditions are dry.

MOTION: Mr. Febiger moves to approve with noted conditions and above references.

SECOND: Mr. Frontiero

Discussion: A question was proposed as it being concrete encased or just conduit and was told it would be just conduit.

VOTE: 5-0 all in favor. Signed by all members present.

(Side discussion - no work in spring when vernal pool migration going on, draft cond. from MACC or NHESP and review w/ GCC add to boiler plate. March and April.

Applicant must prove that no VP characteristics, then the condition can be overridden. See VP manual.)

555 WESTERN AVENUE

This is an Abbreviated Notice of Resource Area Delineation submitted by Dan Ruberti to determine the extent and types of resource areas on site. (Map 199, lot 19).

The Agent reviews with the GCC and states that the site walk to review the delineation was conducted on 3/31 w/ Geoff Andrews. The majority of the bvww flagging was accurate based on vegetation and soils as well as visual evidence of high water levels (discoloration of litter, buttressing of roots, flow channels.)

Limits of land subject to flooding were not included, and BLSF is not shown on the plan, but appeared for the majority of the site to be contained within the bvwa area.

Exceptions are noted below.

The property adjacent to the wetland is in a state of extreme violation. The Agent recommends ordering a clean-up-by date or enforcement action will ensue.

Mr. Gulla and Mr. Feener both noted follow up is needed with an enforcement letter to the owner.

The upland area, especially that below the steep slope drop off was walked during this and a previous site visit. There was no evidence of water, no discoloration of leaves, no flow channels identified, no other visual evidence that the upland area as depicted contained jurisdictional areas.

Photos were taken and are on the Agent's laptop.

The entire cart path running through the wetland is lined with litter and debris with barrels and trash into the wetland as shown in the photos.

The cart path and upland areas shown between the road/fence and wetland are primarily fill areas and are lined with debris, trash and litter.

The site may be a 21e based on storage of barrels, abandoned vehicles (trailer and boat) and other appliances. – Re: Violation Notice to landowner, and possibly a copy to be sent to the BoH and DEP

Flag AA19 is shown approximately 20 feet into water (reports from the applicant's consultant say this is non-hydric soil and vege) It may very well be BLSF. It is critical to have this particular area Flag AA18-AA21 shown on the line, as it will possibly be replication and mitigation area for any future proposals.

Due to the time of year, I suspect that we may be at or close to seasonal high water levels for this year.

Evidence exists within this entire wetland system of potential vernal pools. The Agent recommends that any project proposed come back with a habitat/VP evaluation.

The removal of the debris will improve wetland and water quality conditions but VP/habitat should still be considered.

Geoff Andrews offered to move the flag out to incorporate both LSF and BVW, however, if replication is proposed here, a hydrologic connection will be critical to any created wetland success.

Data sheets were requested and are to be submitted, however due to water levels the soil can not be reevaluated at this time.

The Agent recommend that as this is the only flag in question, that a decision be issued including the 20 foot past AA19 as BLSF and possible BVW, to be identified clearly with any future filing, with data sheets.

Site is within Flood Zone B and within or adjacent to Priority Habitat of Endangered Species.

While the applicant is only requesting confirmation of BVW, it is recommended that these items be noted in any decision issued.

Flag AA21 was pulled out 12 feet and includes an area of BVW and possible BLSF. The cart path shown separates into 3 identifiable path extensions, all are lined with trash and debris.

Flags DD25-DD38 to the east were mostly high and dry with hydric soils and buttressed roots, but no current evidence of water and little discolored leaf litter.

Flags along the cart path and road way are all limits of fill and did not appear to be naturally occurring wetland lines. This fill may predate the WPA. If any future change

or proposal for this front area is considered, this is recommended to be looked at closely.

Flags AA22 – AA26 were mostly off site and were toe of slope, flags on city land.

Geoff Andrews states that WPI reviewed plan as noted above and he has no new comments.

He agrees with the comments made by the Agent, Ms. Nancy Ryder.

This is under review with DEP.

PUBLIC COMMENT: none/closed

The Agent notes this as ok as noted above for delineation

Mr. Gulla entertains a motion w/ notes as identified to approve.

MOTION: Mr. Feener

SECOND: Mr. Frontiero

Mr. Febiger inquires as to a hold until the clean up. VOTE: 5-0 all in favor

Violation notice to landowner with required cleanup w/ in 1 month 30 days, see if owner responds.

Mr. Gulla entertains a motion to issue EO against landowner as noted and discussed

MOTION: Mr. Feener

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor

354 MAIN STREET

This is a Request for Determination submitted by Hess Corporation to upgrade existing gasoline dispenser systems with associated excavation work in a buffer zone. (Map 51, lot 57).

The Agent reviews with the GCC and states that the applicant claims this is an emergency and required repair relating to a 21E and Response Action Outcome with DEP.

No one from engineering has received this.

The Agent spoke w/ Mike Hale in engineering and he stated that the applicants had contacted him and asked if the water could be discharged into city sewer, it can not. He noted that he had advised them that ConCom and DEP permits had to be obtained to discharge it into the inner harbor (possibly 401 water quality in addition to WPA).

A third option that remains open to the business is to pump it and deliver it direct to the wastewater treatment plant for a fee.

The catch basin proposed for use, is currently directly connected to the Inner Harbor and has no treatment capability at this time, that she was able to document.

In her opinion, sufficient information has not been submitted to verify that there will be no likely adverse impact or to make an informed decision on this request.

This is storm water and groundwater, from a gas station. It is being proposed to be directly discharged into the inner harbor with no primary or other treatment.

My recommendation is to require written input from both Engineering and DEP regarding this request or to deny and require a Notice of Intent.

The potential for adverse impact to the inner harbor is significant due to the nature of the business on site.

Patrick Corcoran, LSP w/ Envirotrac briefly reviewed proposed project noting that Hess found groundwater had entered some of the spill overflow protection tanks, need to do minor excavation to correct, had been 21 E, work is considered post REO response action. We cannot discharge into sewer system either directly or by trucking into plant.

Groundwater sample taken compounds which exceeded limits iron and zinc. Required to take sample on first third and fifth day, if issues must stop and notify DEP. NPDES compatible discharges are presumed to meet the interests of the ACT (WPA). He explained excavation of tanks and dewatering. Work to be overseen by LSP.

Ms. Ryder states that proof that it can not be trucked to plant must be submitted Eng responsible for NPDES has not seen this proposal and has not approved NPDES. With CSO problems you must have approval from Eng and likely DEP.

Mr. Gulla asked if DEP wetland has seen this proposal.

Mr. Cocoran stated yes, but not expecting them to respond.

Mr. Gulla stated that response from shellfish or harbormaster also must be in to take action along with feed back from Eng., water treatment plant, and Dave Sargent.

Mr. Cocoran spoke w/ treatment plant operator and was told that there is a moratorium on trucking in new waste other than septage.

Mr. Socolow inquired as to what was going to be trucked.

Mr. Cocoran stated that they would have to pump dewatering GW into facility to allow work to proceed.

Mr. Socolow asked if he is talking about contaminated water?

Mr. Cocoran stated no, some petroleum HC's and thalates but below standards. The treatment designed to treat those compounds adequately. Typically storm flow off streets is more contaminated than this water.

Mr. Cocoran noted bank filters and two carbon units in series.

Mr. Gulla inquired as to the length of the project with Mr. Cocoran stating it would take 3 to 5 days at the most.

Mr. Gulla inquired as to any leaking storage tanks on site at present that may be impacting GW and further inquired as to any secondary and primary monitoring wells?

Mr. Cocoran states that they closed out with DEP no longer need to monitor surrounding GW.

Mr. Gulla asked if they have tested the well on site with Mr. Cocoran stating that the water is much cleaner than typical storm water.

Mr. Socolow inquired as to the soil with Mr. Cocoran stating that any soil removed from site to be discharged to landfill or collection certified area and the soil must be tested before leaving the site.

Mr. Socolow asked if they have a site in mind where such soil can be disposed of, with Mr. Cocoran stating that they typically transport it to Loudon, NH where they do asphalt batching.

Public Comment: none/closed

Mr. Gulla and Mr. Cocoran reviewed the list of requirements for continuation.

Mr. Gulla entertains a motion to continue the matter to 04/16/08 at 9:00 PM.

MOTION: *****

SECOND

VOTE:*****

2 BEACHLAND ROAD

This is a Notice of Intent filed by Charles Pratt Jr., to remove fill in wetland and to restore wetland buffer zone. (Map 178, lot 51).

The Agent notes that there is a request to table meeting to later in the evening (approx 9:00) Applicants rep also has 7:30 public hearings in Ipswich and will arrive as soon as he can.

DEP notes that the wetland alteration is not clear.

The Agent states that she does not agree that the delineation accurately reflect the resources on site.

The BVW line is approximate and notes that there is a question as to this meeting the reviewing needs of the GCC.

Additional resources on site include stream, with a question of intermittent vs. perennial, bank, pond, blsf besides the bwv. These may or may not be significant to the parking area use being maintained and partially mitigated for.

If they are not required, a clear finding that they exist and that they have not been identified or delineated is requested to be made by the GCC.

The matter was tabled to 9 PM to allow for the arrival of Mr. Mike DeRosa.

Mr. DeRosa states that George Hall Anderson and Kreiger have been used since 1950 and he gave some history relating to this. He noted permits from city to park cars there in the summer.

Ms. Ryder corrected the comment noting permits from CC not environmental permits.

Mr. DeRosa states that mowing the lawn prevents a fire hazard and he read through from the application.

She notes that the current use expanded previous without wetland permits and a CC permit for maximum use does not override responsibility of applicant to obtain all permits including environmental, prior to expanding.

There was a review of the proposed mitigation area planting areas adjacent to BVW along with review of species. The management plan to continue re: use of property that he has used.

Mr. George Hall – showing continuous use of property since 1950's.

Ms. Ryder states that she is not objecting to that point, but expanding the parking in BVW or LSF over the years and does not. She states that she will agree to the management plan as long as parking is not in wetland area, goes back to formal delineation.

G H and MDR reviewed the 1990 enforcement order and the settlement.

Ms. Ryder notes that a mowed field is not the same as a parking area and the restoration mitigation plan referred to limits of mowed lawn, not necessarily for parking.

The Agent states that she will need to get the history and review of the delineation.

Mr. Gulla entertains a motion to continue the matter to 4/23/08 8:30 PM.

MOTION: Mr. Socolow moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

The Agent will review the application and submit Com. Dev. history of events that match and what does not as some EO and resolution was on a different property owned by Mr. Pratt.

161 THATCHER ROAD

This is a Notice of Intent filed by Charles Pratt Jr., to construct a single family home with associated grading and utilities in a buffer zone to a marsh. (Map 178, lot 60).

The Agent reviews with the GCC and states that a request has been made to table the meeting to later in the evening (approx 9:00) Applicants rep also has 7:30 public hearings in Ipswich, will arrive as soon as he can.

The Engineering review is pending,

She inquires as to anyone from the city witnessing the soils and depth to GW.

If GW is shown at approx. elevation 7' and surface at 9' The Agent questions how is a 2' separation being maintained below the base of the infiltrator?

The date of the creation of lot is needed.

The Agent notes that while the restoration proposal appears extensive, a plan indicating initial plant sizes, quantity, density and specific locations of plantings is requested to avoid a landscape rather than a naturally vegetated buffer.

The plantings are all in land subject to flooding. It is recommended that the inland edge of vegetated buffer extend out of the LSF and into the upland to avoid conversion to lawn or continuation of lawn in LSF primarily for water quality purposes but also to clearly demarcate the limits of resource on site. The vegetated buffer is recommended to extend XXX feet past the limits of resource.

A site visit with corners of structure staked in the field is still needed.

A past site visit had been conducted that indicated more of the yard was LSF and possibly BVW.

The Agent states that she does not agree with the delineation as shown and request a visit with the environmental representative as the proposal is only 10 feet from limits of resource, the delineation must be exact.

Bank to pond is not indicated, Limits of pond vs. BVW should be clear and the BLSF is not shown, 100 foot buffer is presumed to be to BVW but that should be clearly indicated.

Proposal looks extensive for the size lot it is proposed on and comes very close to LSF. Limits of work at closest point come to 10 feet from edge of pond and BVW.

DEP had no comments.

Tabled to 9 to allow Mike DeRosa to arrive

M. DeRosa and George Hall, present.

Mr. DeRosa reviewed the plan blown up to 1:10 scale and colored. The plan was reviewed as presented.

(REFER TO AUDIO FOR FINAL DRAFT IF ANY MISSING INFO NEEDED HERE)

A site visit Ms. Ryder and Mr. DeRosa to confirm review delineation is scheduled for Friday April 11th at 8:30 am with Rob and Mike.

The hearing was continued to 04/23/08 9:00 PM

1 WINGAERSHEEK ROAD

This is a Notice of Intent submitted by Todd Dagres, to construct single family house, with associated utilities and septic system in buffer zone to coastal dune. (Map 257, lots 7 & 8).

The information submitted March 26 (per GCC site visit March 2) requesting permission for additional soils testing for septic system alternative location.

The Agent notes that the current hearing, as she understood it is to evaluate alternatives on the site.

The Arborist report is noted and comments are expected from Mr. Feener.

DEP comments note that the utility room is a solid structure in the dune and should be elevated.

DEP notes that access to the garage is unclear.

The entire site is coastal dune; this is recommended to be clearly reflected on a revised plan. The Board of Health is looking for a sign off on this delineation from the GCC. An approved delineation is required from the GCC prior to any Title 5 approvals or reviews. The Agent had no further comments at this time but may have add'l comments pending GCC review and discussion of alternatives.

Mr. John Feener works with the consulting arborist and will not benefit financially and asked if anyone had issue in regards to that. No one stated any issues.

Present: Bill Manuell, John Judd, Dan Reynolds, Todd Dagres, and Liz Thistle

Mr. Manuell reviewed site visit along with the first concept and the possible revised alternatives.

He noted the septic system then the location of the home.

Re: the conceptual locations, a LP is needed to test in the dune area.

Mr. Socolow inquired as to testing is in dune area with Mr. Manuell stating: yes with Mr. Socolow further asking it will be restored and Mr. Manuell stated: yes.

Mr. Febiger confirmed that the area being discussed was in the location of what appears to be an old cart path.

Ms. Ryder notes that it is still dune, dune performance standards apply, no destabilization of dune by destruction of vegetation, no interferences with volume and form.

Mr. Gulla opened soil testing to public comment: none.

Mr. Febiger notes that testing is to include reserve as well as primary.

Mr. Gulla entertains a motion to approve the location for additional soil testing for alternative along with the vegetation to be put aside and replaced when test complete.

MOTION: Mr. Febiger moves to approve the above.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

Mr. Manuell discussed the conceptual alternatives as submitted on 3-26 -08.

The Wetland in alternative no. 2 is local jurisdictional only.

Mr. Gulla states that to the applicants offering a direction does not in anyway imply approval at this time, only guidance based on alternatives shown in conceptual form.

Mr. Socolow inquired as to pavement proposed or gravel with Mr. Manuell stating gravel, (keeping in the mind the Performance Standards for dunes.)

Mr. Feener inquired as to the possibility of sharing the drive with the neighbors with Mr. Manuell stating that the abutter's attorney said no.

Mr. Febiger inquired as to who owns the existing drain and whether or not it was functioning at this time.

Mr. Gulla inquired as to why they are leaving a sliver of drive to the end and why they don't use that.

Mr. Manuell stated that they will look into that.

Mr. Febiger notes that 20-30 feet of crossing proposed in alt 2.

Mr. Judd states that a shallow wetland system is there, 18 inches and that field stone is a possible crossing material to allow hydrological connection.

Ms. Ryder states that the GCC asked the applicant to look at the up front meadow area as an alternative also.

Mr. Manuell states that he does not feel it is a preferred location as there is not enough room to put the home and the septic.

NR asked by BF about drive, NR noted that dune performance standards apply,

Mr. Feener states that he prefers alt. no. 2 as it minimizes tree disturbance to only impact trees infected and protects healthier trees.

Mr. Frontiero and Mr. Febiger both agree that alt. no. 2 being the preferred alternative.

Mr. Feener reviewed the tree infections and issues.

Mr. Gulla notes having a plan to help the trees recover and if that does not work and they die, what is the back up plan.

He states that alternative no. 2 seems to make more sense but is not a guarantee and options should be given to make improvements on the site.

Mr. Frontiero noted that it impacts the site less.

The Agent noted that the third alternative asked for by GCC was not presented and that all work on site must meet performance standards in re: the drive, and septic.

Mr. Gulla stated that he is leaning towards B.

Mr. Feener, Ms. Ryder and Mr. Judd all agreed that all resource areas must be shown on the plan and to move the driveway to the edge of the lot line wetland and to not bisect the wetland.

Mr. Gulla entertains a motion to continue the matter to 05/07/08 at 8:00 PM.

MOTION: Mr. Socolow moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

5 Minute recess.

KONDELIN ROAD

This is a Notice of Intent (Gloucester Wetlands Ordinance) submitted by Ralph Hobbs to construct a paved outdoor shed area, retaining wall, and storm water system with associated grading. (Map 197, lot 14).

Mr. Art Allen present along with Mr. Seakamp and Ralph Hobbs.

Mr. Allen summarized his involvement in the project and the review w/ Mike Andrade engineering consultant.

Mr. Allen confirmed the initial report on delineation findings with the delineation changes accepted by applicant and shown on revised existing conditions plan with all in agreement.

The elevation is relative to the new wetland boundary. Elevation of the ***** several inches below wetland boundary, ***** did not cause wetland boundaries to rise on this site and not flooding upland portions of subject site.

He noted the delay of the rest of scope items until this spring. He listed issues identified by the GCC, in the scope of services.

He noted a comprehensive letter from AA and MA addressing the entire scope and response from Gateway consultants, followed by Graves response, then gateway response and final Graves review. He gave dates to all most recent revisions to comp. plans March 4 and March 17.

He summarized and stated that he feels that all the initial scope items have been addressed by consultants and apps as they redesigned storm water to be in compliance w/ DEP; storm water and treating for ORW levels 1”.

The limits of work revised with no work proposed to encroach into the wetland boundary. The limit of work is now about 2 feet off the wetland boundary off flag 2R with no work in the wetland and no direct impacts to the wetland, in EcoTec's opinion. Mr. Gulla states that they go point to point with issues of concern not issues that you are not concerned about. He notes any points that you would highlight, that project may be questionable, that the project may impact if not done well, project with significant buffer impacts, controlling w/ erosion controls and permanent retaining wall and can not find that project will result in resource alteration, significant buffer alteration.

Mr. Febiger noted his concern with some of development of buffer zone issues, including proximity of development to wetland, includes fair amount of fill, with regards to items #3, #25 and possibly #16 and he read the analysis as saying issues relating to runoff and ground water can be mitigated or meet performance standards. This GCC likes to see 20-25 feet of buffer set back and has worked toward that by policy or precedent. He asked if they had done any written analysis other than what is shown on the paper.

Mr. Allen notes that the findings are based on the topography of the site and the potential for development. First one to state that significant buffer alteration is an issue to acknowledge on site, changes in wetland boundary, clear that there had been quite a bit of die back of upland vegetation due to flooding. He had not seen the site before then and it appears that changes in the wetland level may be partly due to beaver flooding and therefore there is a decrease in set backs. In absence of statutory setbacks we can only acknowledge buffer impacts. The slopes to the wetland are not so steep and steep slopes change the factors to wetland impact.

This type of buffer development can be done w/ out direct impacts to wetlands although significant, but in the absence of required setbacks is potentially permissible.

The issue of GW on site with fill - fill may consist of crushed rock that is different from existing material or clean fill that when compacted, but can make soils different from before, changing the characteristics of the buffer but does it impede the function. Does that go into your review?

Mr. Allen proposal is to catch and treat then release into the wetland, modeled on presumption that post development conditions will minimize pre-development conditions. This will now be artificially treated.

Bill states that it can create temporal changes, flashiness of GW into wetland, moving more quickly and increasing propensity for flooding.

Art states that they can only defer to the Engineering review. The proposal meets DEP and critical standards.

Mr. Allen stated that he initially intended to have the review engineer here, but the way project dragged on agreed w/ Nancy to keep cost under control to let engineering review take place in lieu of attending meeting.

Mr. Manuell inquired as to what they think of alt response to 3?

Mr. Febiger stated that a hypothesized alternative response is recommended

Mr. Socolow stated that it should be deferred to applicable standards and DEP policy.

Mr. Allen stated that he does not believe fill and retaining walls will significantly change runoff characteristics. He further stated that the fill area will be a parking area and the expansion of area for parking and work area.

Mr. Febiger stated that the project occupies a significant portion of buffer zone. Species that He noted species that utilize this area, that the value of the area that the habitat needed by those species altered.

Mr. Allen states that the habitat use in buffer will be significantly diminished on this site and will not be a wetland habitat alteration.

Mr. Manuell states that the habitat in wetland and buffer connected will be an impact to the habitat for those species. Mr. Allen agreed.

A question was asked re: what species would be involved and Art stated that many common species use that edge as well as many reptiles, birds, etc with Bill noting beavers as well as they use the edge of upland. Art stated that their primary food is trees growing in the adjacent upland.

Mr. Feener notes # 19: 50% impact to root zone which is outdated and the guidance has been updated to 15% to 20% and if habitat and species dying off, then this degree of impact will be more significant. Trees outside will have less impact.

Bill noting the engineering reviews: uses "no person can determine", if no person can determine because there is not enough information to know then how can he conclude that the project meets the performance standards.

Art asked if they have a proposed setback to meet concerns.

Mr. Manuell asked for a consultant to evaluate compliance with the regulations.

Mr. Gulla states that it went to third party because it was extreme use of buffer zone.

Mr. Manuell states he would assume the consultant would agree that 20 ft. would be an improvement.

Art stated yes and that he supports setbacks wherever possible.

Ms. Ryder reminded the GCC that the third party was asked to comment on the compliance with the regulations and not on the GCC further discretionary ability in terms of maximum vs. reasonable use.

Mike Seakamp claims that although wetland change were accepted, the increase in the wetland line was due to beavers, the applicant is in the industrial park and needs more space for his business.

Public Comment: none/closed

Mr. Febiger notes that at a few meetings ago, has asked the applicant to consider additional setbacks, moving past the report.

Mr. Gulla states that unless the consultant has anything to add, he's not sure the he has any more to ask.

Mr. Hobbs notes that at the last meeting when Bill brought up the issue, at flag 2R, since then have moved the project back and reconfigured the plan to stay off direct impact to wetland and are now 2 feet off wetland. We are not willing to move back further and need to stay at the design we are at now.

Mike Seakamp notes that the flag has been moved 20 feet from earlier delineation, changing setback to wetland area.

Mr. Gulla states that he ultimately knows where Bill is coming from as the project varies from 12 feet plus in other areas.

Mr. Febiger notes that from what he is hearing he is not sure if the plan even moved back to 2 feet will satisfy him.

Mr. Hobbs states that the location is where we'd like it to stay.

Mr. Febiger states that ultimately he is interested in the average setback along the frontage to wetland.

Mr. Gulla states that it is up to the applicant to continue this matter or not.

Mike Seakamp states that he does not see any reason to continue this matter as all the information has been presented.

Art Allen states that the average setback is approx 12 feet.

Ms. Ryder responding to Mr. Socolow notes the reasonable vs. maximum long term history here are two separate issues.

Mike Seakamp notes this is as a policy with Ms. Ryder stating it is discretionary on GCC's part on a site by site basis.

Mr. Gulla entertains a motion.

MOTION: Mr. Febiger move to deny this on the basis that it does not adequately protect the resource from groundwater hydrologic cycle and habitat uses given that buffer zone from A1 to A11 averaging on order of 10-12 feet, considering cumulatively use and impacts with existing development on site exceeds reasonable use.

SECOND: Mr. Socolow for purposes of vote.

DISCUSSION. It was noted that Bill would need to draft a denial statement before final vote to deny.

Mr. Gulla notes that if it is denied a proper document needs to be formulated. It was further noted that through this process the applicant has blamed the beavers, which is not an excuse.

Mr. Socolow states that he is not sure he understands the comment.

Mr. Feener states that using beavers as an excuse to be so close to wetland, he is not in agreement. It is too close either way, regardless of the beaver issue or not.

VOTE: 5-0 all in favor of denial.

A draft decision will be done, using MACC model denial.

Mr. Gulla entertains a motion to schedule this matter for the 4/16/08 agenda at 9:30 PM for review and acceptance of the draft decision.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Socolow **VOTE:** 5-0 all in favor.

9 WATERMAN ROAD

This is a Request for Determination submitted by Uma Nair to construct brick patio in resource area at (Map 257 lot 98).

The Agent reviews with the GCC:

The project site is located in an area that historically was part of coastal dune and coastal bank.

The site is sand (coastal dune) and a Letter Permit was previously filed and denied for this reason.

The housing development which this is located in is long existing and for all environmental intents is no longer connected to the coastal resource directly other than by groundwater flow.

Current coastal resources are more than 100 feet away as I understand it.

Leslie site visited this location. I do not believe she noted any other nearby isolated wetland or resource areas.

The GCC has an option to find that a negative determination can be issued similar to other house lots in this neighborhood noting that the lot is no longer significant to storm damage protection relating to wave or flooding, and is no longer significant to destabilization of dune or coastal bank.

Alternatively the GCC can find that the site is jurisdictional but the project will not have an adverse impact.

Uma Nair: The brick patio on crushed stone is approx. 10 x 15.

There were no GCC comments or concerns with the patio only, septic is proposed.

Public Comment: none/closed

Mr. Gulla moves for a negative determination, not cemented and must be impervious.

MOTION: Mr. Socolow moves for the above determination.

SECOND: Mr. Feener Discussion: none VOTE: 5-0 all in favor.

80 COMMERCIAL STREET

This is a Notice of Intent submitted by Rumpf Design Group LTD to remove collapsed deck, replace piles, rebuild deck and wharf and re-construct building (Map 1, lot 11).

The Agent reviews with the GCC and states that the information packet was dropped off at the last hearing.

The site is within DPA

A draft blank decision is available if the GCC needs it.

Scott Patrowicz and JR Freitas, present.

Presented supplemental information and went over the history of the project.

CCA treated piles already installed.

Mr. Gulla notes the list asking if the piles are being removed or cutting off and remaining?

JR Freitas states that they are going to remove them in the collapsed area.

They failed during the collapse and this will cause less impact and less disturbance to cut rather than pulling.

Ms. Ryder notes that CCA is a marine biocide and not usually allowed in low flushing areas.

The pilings recently installed next door: CCA.

She notes that the pilings were required to be non-toxic if they are CCA they must be non-toxic materials.

Mr. Gulla notes that from here on out they must use non-toxic materials in piles.

Mr. Feener requires that they clean up the site.

JR Freitas explained how that would be done.

Mr. Gulla states that they can resolve marine toxin by coating exterior of piles to high tide line, and check w/ Dave Sargent for potential product types. The coating will prevent leaching of biocide into the tidal area. NO future pilings may be biocides.

MOTION: Mr. Feener

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor

283 CONCORD STREET

This is a Request for Determination submitted by Dennis McGurk to renovate existing entry and to construct a stone patio and stairway in ACEC (Map 249 lot 13).

The Agent reviews with the GCC and states that the delineation site plan was submitted Monday and the work is within upland edge, but within existing footprint of use.

Copies of the plans will be mailed to the GCC in the next packet.

If you need performance standards for upland edge (A local resource, not state), they are available in the local ordinance, and at the meeting and can also be mailed or emailed to you as well.

Site according to the wetland map shows the home to be within 150 feet of a tidal creek, the plan shows approx 300 feet.

Based on photos and knowledge of the general site, I anticipate that ACEC and salt marsh distances are accurate or close to it.

I have not had time to visit the site to check the distance to the culvert along the road which should give a fairly accurate approximate for distance from home to the creek.

All that being said the additions are accessory to the existing sfh, are away from the resource on the opposite side of the home and are within existing use area.

Even if the tidal stream is 150 feet from the closest corner of the home, under both WPA and local ordinance, the use is accessory and allowable.

The performance standards for upland edge include no increase in impervious or loss of vegetation. The GCC has the ability under the ordinance to grant waivers for pre-existing homes and lots.

Should the GCC deem it appropriate a blank draft decision is available.

This was done, approved and signed by all members present.

New – Review of FEMA proposed Flood Plain Ordinance amendments

This was submitted by the Building Inspector as the flood plain construction contact.

The Agent states that this is to be discussed at the meeting, goal is to set an action agenda and decide what direction to head in. Detailed information will be submitted based on this discussion.

Continuation to 4/16 @ 9:30 to prepare formal language w/ explanations etc.

Discussion of current fee process and funding to support staff – vote to decide whether or not to propose changes and hold hearing on 4/16.

This matter is to be discussed at the meeting: goal is to set an action agenda and decide what direction to head in. Detailed information will be submitted based on this discussion.

Action to be taken when and if needed, not addressed at this meeting and no hearing.

Meeting – Discussion and vote for chairman, vice- chairman, etc.

Tabled to 4/16

VIOLATION HEARINGS AND AGENT'S REPORT ON VIOLATIONS

107 WHEELER STREET

The Agent reviews with the GCC and states that this is an Enforcement Hearing unless issues are resolved.

All documents and history are recorded and in the file for review and discussion

The landowner has submitted an additional letter permit to put stone in the driveway as her OoC has expired.

The site is in first 100 foot RRA.

The stone addition over existing gravel or soils drives w/ no other alterations has been permitted via LP as non-altering in the past as long as no soils or vegetation were disturbed in any way temporary or otherwise.

Cindy Perry, owner

Mr. Gulla asked The Agent, Ms. Ryder to summarize for the GCC.

Ms. Ryder notes that Cindy did keep in touch with the commission office throughout and ran out of money, agreeing w/ buyer to hold back money to replant what is needed.

It was noted that Winterberry and Bayberry are shrubs not trees.

Mr. Feener notes the need for permanent signage along the no-disturb line.

Mr. Gulla reviews the action to be taken with Ms. Ryder drafting a letter reflecting the GCC discussion. The issue is not finished, with no action at this time, pending recheck in summer to monitor progress. Send new owners, reminder letter re: the required mitigation and steps needed to obtain the CoC, environmental report when vegetation stabilizes confirming GCC requirements have been met and will be the final documentation before GCC can vote to close. No Disturb is in perpetuity.

Mr. Gulla notes that the documentation re: mortality is not complete and the types of plants may not comply.

P& S signing is tomorrow stating that some monies are to be held back to replant.

Mitigation is in place, proof of monies held back for buyer, to be emailed by C. Perry, and forwarded to the GCC. Markers are to be in place so the new owners can see the no disturb zone, seeing that that is done, so owner will recognize issues.

September 2008 - Send reminder to property in 6 months regardless of who owns, reminding them to follow up with the need to comply, list outstanding issues and request up date status.

Letter Permit for driveway discussion - Request is for Crushed stone in place of where pavement would have been. CP read through Letter Permit submitted.

Ms. Ryder, Agent for the GCC restated the above notes.

Mr. Gulla notes: no stone dust, no linpack, ¾" stone only, not to exceed 3 inches, over the existing soil driveway, no expansion, no material that will become impervious is allowed to be used, no disturbance of soils in any manner, no disturbance of vegetation and the French drain and swale to be protected. Anything exceeding those conditions requires an RDA or Nol. A post installation site visit w/ the agent is required.

Mr. Gulla entertains a motion to allow the Letter Permit as conditioned and limited.

MOTION: Mr. Febiger moves to allow with conditions

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor.

Tally's 2 Washington Street, washing of commercial vehicles and fuel tanks so that contaminated wash water runs directly into the inner harbor. Repeated violation on a yearly basis.

COMMISSION BUSINESS:

Requests for Letter Permits

THE AGENT NOTES THAT THESE LETTER PERMITS WERE FROM THE 3/19 MEETING OR EXTREMELY MINOR REQUESTS. AS LP'S ARE INTENDED AS A MODIFIED RDA FOR MINIMAL PROJECTS, THESE HAVE BEEN ADDRESSED ALREADY BASED ON AGENT REVIEW. THESE ARE ON THE AGENDA FOR RATIFICATION FROM THE GCC. THOSE THAT WERE IN QUESTION WERE REFERRED TO ROB GULLA FOR CONFIRMATION.

189 Essex Ave, Chris McCarthy, (map 219, Lot 184) LP for addition of stairs in buffer zone to BVW. Allowed

MOTION: Mr. Feener moves to approve

SECOND: Mr. Frontiero **VOTE:** 5-0 all in favor

5 Duley St, Lynne C. Klotz, (map 142, Lot 40) LP for tree trimming within 140 ft to high tide on Lane's Cove & 15 ft from emergence point of underground drainage stream in Lane's Cove. – DENIED

MOTION: Mr. Feener moves to uphold the denial.

SECOND: Mr. Frontiero **VOTE:** 5-0 all in favor

220 R Magnolia Ave., Tom Webster – Ravenwood Realty Trust (map 207, Lot 37) LP for replacement driveway in existing location and swale. – APPROVED W/ MODIFYING CONDITIONS –

MOTION: Mr. Feener moves to approve

SECOND: Mr. Frontiero **VOTE:** 5-0 all in favor

406 Washington Street, Captain Hook's, Jason O'Connor (map 109, lot 23) LP for vinyl re-siding. Mentioned re-roofing, but not listed Carpenter, Daniel J. on plan. APPROVED

MOTION: Mr. Feener moves to approve

SECOND: Mr. Frontiero **VOTE:** 5-0 all in favor.

720 Washington St, Mary Carpenter, (Dan DeFreitas, applicant) (map 116, lot 6) LP for replacement of windows and a door. – APPROVED W/ MODIFYING CONDITIONS

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Frontiero **VOTE:** 5-0 all in favor.

7 Toronto Avenue, John Evans, (map 136, lot 53), LP for replacement of garage door and replacement of rotted exterior. APPROVED

MOTION: Mr. Frontiero moves to approve.

SECOND: Mr. Feener **VOTE:** 4-0 **ABSTENTION:** Mr. Febiger

West Gloucester Water Treatment Facility for stabilization of the bank to the lagoon. APPROVED W/ CONDITIONS

MOTION: Mr. Febiger
SECOND: Mr. Frontiero

VOTE: 5-0 all in favor.

65 Sumner Street – for after the fact re-paving of drive. APPROVED WITH WARNINGS RE FUTURE UNPERMITTED WORK.

MOTION: Mr. Frontiero

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

33 Two Penney – for utility platforms, HALF APPROVED, HALF DENIED

MOTION: Mr. Feener moves to approve with reduced scope

SECOND: Mr. Socolow

VOTE: 5-0 all in favor

79 Eastern Point BLVD –

The Agent notes that this is not a current request as the landowner has submitted a complaint regarding the agents denial. They are currently submitting an application for a hearing for the project. She states that she is looking for any initial feedback the GCC might have regarding a formal filing.

MOTION: Mr. Frontiero moves to vote that they all agree with the Agent determination and that an Nol is required.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

LETTER PERMITS

(Newly submitted and were on the agenda for a decision and vote by the GCC.)

209 Atlantic Rd, Ronn & Alina Garry (Map 76, Lot 78) LP for removal of invasive plants with new plants in a 20'X46' area. Restoration plan submitted.

249 East Main – Response to a violation notice, applicant feels that since the wall impact did not change and the float does not ground, that the project meets the LP standard. The only additional information that would be gathered under an RDA is response from Jim and Dave. Copies have been submitted to them, response is pending.

12 Naomi Drive – LP for above ground pool pinned into low point in ledge adjacent to porch. While this is very close to the coastal bank, as designed it will not alter soils or vegetation and will not have any impact on coastal bank. A site visit was conducted to confirm the details presented. Unusual request but appropriate for the exact site being considered. – Only issue here is that we can not find record of a filing for this and most of the homes on Naomi Drive all of which are feet from top of coastal bank. Do any of the commissioners here in the late 90's early 00's remember these homes coming through for permitting? I can not imagine an entire neighborhood went up unnoticed in the past 10-15 years.

31 Woodward – National Grid cut down a 72 foot pine on coastal tidal bank, without permitting. The abutting landowner asked for the tree to be chipped and left for their use. An ATF LP is filed. The tree was cut in the ROW and does not appear to have been on this landowner's direct property. Recommend an enforcement letter be sent to Nat'l Grid and Asplund.

MOTION: Mr. Feener moves to allow the Enforcement Letter (see above).

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor.

6 Clover Lane, - similar situation to 9 Waterman, same general neighborhood, heard earlier, the site historically was coastal dune and coastal resource but currently is in the middle of a neighborhood. Deck Reconstruction.

138 Eastern Ave – building demo in and near the 100 foot buffer, no reconstruction proposed at this time. No issues with this request, however a portion of a wetland on a neighboring property that a utility line was permitted to go through appears to have been lost.

12 Sunset Point Road – Re-construction of a sfh just outside the 100 foot to coastal bank. Being filed as an alternative to an RDA since it is not within 100 feet, distance confirmed by Leslie. Alternative permitting vehicle would be either an ANRAD or an RDA. If it was closer the recommendation would be one of the alternatives. Leslie felt the distance was conservative enough to verify that it was outside 100 feet.

21 Horton Street – repair to existing concrete stairs and pilings in place, by hand, no removal, no disturbance of soils or vegetation. Forms will be created around the existing structures without disturbing the surroundings, and concrete placed in forms by hand.

11 Jebeka – Applicant had previously filed for a dock and pier relocation, but was denied as it was in ACEC and there is no management plan so DEP would not allow modifications from the existing even though it resulted in better environmental conditions and repair to a damaged salt marsh. The landowner is filing the LP to rebuild the existing float system in place and same size but on standoffs and complying with current design standards per guidance from Dave Sargent.

Mr. Gulla entertains a motion to follow the Agents recommendations with Mr. Gulla reading through all of the above.

MOTION: Mr. Febiger moves to follow the recommendations of the Agent

SECOND: Mr. Frontiero

VOTE: vote all in favor.

Requests for Certificates of Compliance

15 Biskie Head Point

The Agent notes that this one was held over from last year pending verification of dredging depth by a certified professional in an as-built. No further issues.

Mr. Gulla entertains a motion to issue.

MOTION: Mr. Feener moves to issue,

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

REQUESTS FOR EXTENSION PERMITS

27 Wingaersheek Road – Request to extend permit.

Mr. Gulla states he will entertain a motion to issue.

MOTION: Mr. Feener moves to issue

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor

Correspondence and Other Commission Business

18 Kent Road – response from Anita Beloff re mitigation proposal

This is re: a motion to allow a dock w/ partial mitigation as good faith. This needs to be continued.

2008 EPA SBIR notice – full copy can be emailed to you on request. Partial document – list of projects is available at the meeting.

MACC list of course and training offerings spring 2008

68 High Popples revisited for comment

NSRCCN (North Shore Regional Con Com Network) meeting tomorrow AM – discussion involves coastal compliance, project permitting and enforcement.

Final invasive plants list from DEP – was mailed to you (abbreviated version) earlier.

CoC notice for SoC from DEP for Stop and Shop under WPA.

Mass Wildlife News #3- 2008

Mass Land Trust Coalition reminder of Environmental Bond Bill Rally on April 9.

Notice from Gloucester Crossing that add'l test pits will be dug within limits of approved work area.

Correspondence from Gortons Green Team

Gulf of Maine Times newsletter

Correspondence relating to projects under appeal with DEP for the following:

Keystone Road

Symes Development 604 Washington Street

Dunfudgin LLC Emerson Ave

Recent TAG and staff meetings topics relevant to GCC

DeMoulas – on for review on 4/16

Open Space plan re-initiation through Community Development

Wastewater Master Plan updates

Mr. Gulla entertains a motion to adjourn.

MOTION: Mr. Socolow moves to adjourn the 4/2/08 meeting of the Gloucester Conservation Commission

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

Meeting Adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk